

**CIVIL SERVICE COMMISSION MINUTES**

**MAY 18, 2005**

A meeting of the Civil Service Commission was held at 2:30 p.m., in Room 301 of the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

A.Y. Casillas  
Barry I. Newman  
Francesca Krauel  
W. Dale Bailey

Absent was: None

Comprising a quorum of the Commission

Support Staff Present:

Patt Zamary, Executive Officer  
William D. Smith, Senior Deputy County Counsel  
Selinda Hurtado-Miller, Reporting

**Approved  
Civil Service Commission**

**June 1, 2005**

**COUNTY OF SAN DIEGO  
CIVIL SERVICE COMMISSION MINUTES  
MAY 18, 2005**

2:00 p.m.            CLOSED SESSION: Discussion of Personnel Matters  
and Pending Litigation

2:30 p.m.            OPEN SESSION: Room 301, 1600 Pacific Highway, San  
Diego, California

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<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
7,8,11	4,6,10	5	12,13

COMMENTS: Motion by Newman to approve all items not held for  
discussion; seconded by Krauel. Carried.

**CLOSED SESSION AGENDA**  
**County Administration Center, Room 400B**  
**(Notice pursuant to Government Code Sec. 54954.2)**  
**Members of the public may be present at this**  
**location to hear the announcement of the**  
**closed session agenda.**

A.    Commissioner Krauel: Fern Steiner, Esq., on behalf  
of **2005-03**, appealing an Order from the Sheriff's  
Department.

**OPEN SESSION AGENDA**  
**County Administration Center, Room 301**

NOTE: Five total minutes will be allocated for input on Agenda  
items unless additional time is requested at the outset and  
approved by the Commission President.

**WELCOME**

1.    Welcome W. Dale Bailey, newly appointed Civil Service  
Commissioner.

**MINUTES**

2.    Approval of the Minutes of the regular meeting of April 20,  
2005.

**Approved.**

## **CONFIRMATION OF ASSIGNMENT**

3. Commissioner Casillas: **Arlesia Graham**, former Detention Processing Supervisor, appealing an Order to Terminate and Charges from the Sheriff's Department.

**Confirmed.**

## **DISCIPLINES**

### **Findings**

4. Commissioner Krauel: Fern Steiner, Esq., on behalf of **2005-03**, appealing an Order from the Sheriff's Department.

FINDINGS AND RECOMMENDATIONS:

**Continued.**

## **DISCRIMINATION**

### **Complaints**

5. **Cynthia Johnson**, former Housing Aide, alleging age and race discrimination and retaliation by the Department of Housing and Community Development.

RECOMMENDATION: Assign an Investigating Officer and concurrently appoint the Office of Internal Affairs to conduct an investigation and report back.

**Staff recommendation approved. Commissioner Krauel assigned.**

## **INVESTIGATIONS**

### **Requests**

6. Fern Steiner, Esq., on behalf of **Linda Stirpe**, Licensed Mental Health Clinician, Health and Human Services Agency (HHSA), requesting a Rule XI investigation regarding the conduct and operations of the Department of Human Resources stemming from her layoff in 1999. (Continued from the April 20, 2005 Commission meeting.)

RECOMMENDATION: Deny Request.

**Continued.**

7. Richard Pinckard, Esq., on behalf of the **District Attorney Investigators (DAI) Association**, requesting a Rule XI investigation regarding the conduct and operations of the Department of Human Resources relating to its administration of the promotional processes for DAI classes. (Continued from the April 20, 2005 Commission meeting.)

RECOMMENDATION: Deny Request.

Rick Pinckard, Esq., Michael Bishop, DAI V, and James Duffy, President of the DSA, addressed the Commission on behalf of the DAI Association. They collectively requested that the Commission conduct an investigation pertaining to the manner in which DHR administers promotional processes affecting their members. They request that the Commission take a look at the process that DHR is currently using to promote DAIs, and make a determination as to whether that process is consistent with the Civil Service Rules. Specifically, how the certified list is compiled and DHR's design of the actual examination process. Mr. Pinckard stated that a promotional process should be transparent, and based solely on merit. He believes there is a dilution of the process delineated in Charter Section 901.

Dennis Floyd, Sr. Deputy County Counsel, representing DHR, briefly explained the different Lists compiled by DHR. He stated that the promotional list for the DAIs is a long-standing, accepted, reasonable and responsible DHR practice, used Countywide. Mr. Floyd stated that DHR's policy does not violate the County Charter or Rule 4.2.1.

**Motion by Krauel to grant a Rule XI investigation;  
Motion dies for lack of second.**

Commissioner Newman stated that he believes this matter should be a "meet and confer" item, not a matter for a Commission investigation.

**Motion by Newman to accept staff recommendation;  
seconded by Bailey; Carried.**

<b>AYES:</b>	<b>Casillas, Newman, Bailey</b>
<b>NOES:</b>	<b>Krauel</b>
<b>ABSTENTIONS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>

## **SELECTION PROCESS**

### **Appeals**

8. **Judith Gregg**, Librarian II, appealing her non-selection for the classification of Librarian III by the County Library.

RECOMMENDATION: Deny Request.

Gayle Mayfield, Esq. appeared on behalf of Judith Gregg. Ms. Gregg's request for a Rule X hearing is the result of the County Library's reorganization and its relationship to the promotional process for LIII. A recent reorganization took place prior to the hiring of two new LIII's in which a LIII was reassigned from Santee to Solana Beach. It is this reassignment that is the crux of Ms. Gregg's complaint.

Richard Needham, Departmental Personnel Officer III, explained to the Commission that it is the Department's position that it is within the appointing authority's discretion to reassign positions to best meet the needs of the organization. He explained, that in spite of Ms. Gregg's belief that it prevented her from a promotional opportunity, the decision was based on the Department's needs.

**Motion by Newman to accept staff's recommendation; seconded by Casillas. Carried.**

### **Findings**

9. **Lori D. Hamm**, appealing the removal of her name by the Department of Human Resources from the employment list for Correctional Deputy Probation Officer.

RECOMMENDATION: Ratify. Appellant has been successful in the appellate process provided by Civil Service Rule 4.2.2.

**Item No. 9 ratified.**

## **CIVIL SERVICE RULES**

10. **Carlos Arauz**, Director, Department of Human Resources, requesting the Commission's review of proposed Rule revisions and transmittal to the Board of Supervisors.

RECOMMENDATION: Approve Rule revisions and forward to the Board of Supervisors.

**Continued.**

## **OTHER MATTERS**

### **Extension of Temporary Appointments**

#### 11. Health and Human Services Agency

- A. 3 Residential Care Workers I (Stephanie Houghton, Martin Gowolo, Jody Lopez)
- B. 4 Residential Care Workers II (Cynthia Harris, Deborah Leone, Mildred Owen, Paola Perez-Preve)

**Item No. 11 ratified.**

#### 12. Department of Planning and Land Use

1 Land Use Aide (Victoria Loftis)

RECOMMENDATION: Ratify Item Nos. 11 & 12.

**Item No. 12 withdrawn.**

## **INFORMATION**

13. **Debra Davis**, former Intermediate Clerk, withdrawal of appeal from a Final Order of Removal and Charges from the Health and Human Services Agency. (Commissioner Newman)

**Withdrawn.**

#### 14. Public Input.

ADJOURNED: **3:40 p.m.**

**NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION: JUNE 1, 2005**